

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Time Certain – 2:00 p.m.  
Friday, January 14, 2011  
Arizona Game and Fish Department  
5000 West Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairperson Jennifer L. Martin  
Vice Chair Robert R. Woodhouse  
Commissioner Norman W. Freeman  
Commissioner Jack F. Husted  
Commissioner John W. Harris

Director Larry D. Voyles  
Deputy Director Bob Broscheid  
Deputy Director Gary R. Hovatter  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments  
for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

<b>Name</b>	<b>Docket #</b>	<b>Count</b>	<b>Conviction</b>
Paul D. Cox	2010-0086	Count A:	Take W/L Closed Season (Sheep)
		Count B:	Possess Unlawfully Taken W/L (Sheep)
		Count C:	Take W/L Without Valid License (Sheep)
William Strauss	2011-0001	Count B:	Possess Unlawfully Taken W/L (Mtn. Lion)
Lester D. Deese	2011-0002	Count A:	Shoot Firearm Across Maintained Road
Lester G. Deese	2011-0003	Count A:	Shoot Firearm Across Maintained Road
Jerry L. Brimhall	2011-0004	Count A:	Trap During Closed Season
		Count B:	Trap Without a License
Robert D. Hammond	2011-0005	Count A:	Obtain Resident License by Misrepresentation
		Count A:	Fish W/O Valid License

Roll call was taken and the following were present: William Strauss, Lester D. Deese, Lester G. Deese, Jerry Brimhall, and Robert Hammond.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to

consider and take action on the license revocations and/or civil assessments for the individuals listed above.

**Motion:** Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

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William L. Strauss  
Docket # 2011-0001

Strauss was found guilty by the Seligman Justice Court for: Count B: Possess Unlawfully Taken Big Game (mountain lion); and sentenced Count B: \$300.00 restitution to be paid to the Operation Game Thief Fund.

Strauss was present and addressed the Commission. He provided a photo to the Commission showing where his wife was sitting in their yard and the nearby tree, also in his yard, where the mountain lion was perched in the tree watching his wife. His wife saw the mountain lion and screamed. Mr. Strauss grabbed his firearm and shot the lion. The only reason he lied was to keep the hide and he stated that lying was a stupid thing to do.

**Motion:** Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WILLIAM L. STRAUSS TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST WILLIAM L. STRAUSS TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Freeman stated that he will vote nay on this motion because he believes that lying to an officer is a profound problem. Lying and then buying a tag to cover it up shows plural misjudgments. If Mr. Strauss had called the Game and Fish and not lied this would have been a non-issue.

Chair Martin stated that she feels inclined to vote nay as well because while she agrees with the one year revocation for lying, she does not feel inclined to assess for the mountain lion.

**Vote:** Aye - Martin, Woodhouse, Husted, Harris

Nay - Freeman  
Passed 4 to 1

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Lester D. Deese  
Docket # 2011-0002

Deese was found guilty by the Kingman/Cerbat Justice Court for: Count: Shoot Firearm Across Roadway; and Count B: Knowingly Waste Edible Game Meat; and sentenced Counts A and B: Fined \$430.00.

Deese addressed the Commission and stated that he left the birds to go take his medicine. He had forgotten to take it that morning and he felt dizzy.

**Motion:** Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF LESTER D. DEESE TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST LESTER D. DEESE TO COLLECT THE **SHARED** AMOUNT OF \$700.00 FOR THE LOSS OF FOURTEEN (14) DOVES AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Lester G. Deese  
Docket # 2011-0003

Deese was found guilty by the Kingman/Cerbat Justice Court for: Count: Shoot Firearm Across Roadway; and Count B: Knowingly Waste Edible Game Meat; and sentenced Counts A and B: Fined \$430.00.

Deese was present but did not wish to address the Commission.

**Motion:** Harris moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF LESTER G. DEESE TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN

THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **LESTER G. DEESE** TO COLLECT THE **SHARED** AMOUNT OF **\$700.00** FOR THE LOSS OF **FOURTEEN (14) DOVES** AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Jerry L. Brimhall  
Docket # 2011-0004

Brimhall was found guilty by the Cochise County Justice Court #3 for: Citation 237291 Count A: Trap During Closed Season; and Count B: Trap Without a License; and Citation 237292 Count A: Take Wildlife During Closed Season; Count B: Take Wildlife Without a License; and Count C: Take Wildlife by Unlawful Means; and sentenced Citation 237291 Counts A and B, and Citation 237292 Counts A, B, and C: \$1,500.00 in Restitution to Operation Game Thief Fund and Fined \$736.80.

Brimhall was present and addressed the Commission. He requested that his license not be revoked and that he not be assessed any fees because he was advised by the court that his plea bargain would close the case. Additionally, if this continues he will file a case against the Game and Fish Department and specifically Officer Fulk. Mr. Brimhall stated that the maps were inconsistent, the voluntary witness statement is missing, the skulls, skeletons, snares and bait were moved and incorrectly labeled in the case photographs, the tape confession has been altered, and a physician advised Officer Fulk that Mr. Brimhall was impaired and could not be interviewed but the officer interviewed him anyway.

Commissioner Husted asked Mr. Brimhall if he trapped the javelina.

Mr. Brimhall stated that he pled guilty in court but that he did not trap the javelina and he didn't know who did.

The Commission further reviewed the maps and photos and discussed the case with Mr. Brimhall.

Commissioner Harris asked Officer Fulk if he at any time or in any way altered any evidence in this case.

Officer Fulk stated that he absolutely did not.

**Motion:** Freeman moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JERRY L. BRIMHALL** TO **HUNT, FISH, AND TRAP** IN THE STATE

OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **JERRY L. BRIMHALL** TO COLLECT THE AMOUNT OF **\$1,000.00** FOR THE LOSS OF **TWO (2) JAVELINA** AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Robert D. Hammond

Docket # 2011-2005

Hammond was found guilty by the Yuma Justice Court for: Citation 235592 Count A: Obtain 2010 Fishing License by Misrepresentation; and Citation 235591 Count A: Fish Without Valid License; and sentenced Citation 235592 Count A and Citation 235591 Count A: Fined \$462.40.

Hammond was present and addressed the Commission. He stated that he never intended to misrepresent himself as a resident of Arizona. The fishing license he acquired in 2009 was a birthday present from his wife and he never looked at it. In 2010, the sales person at Walmart filled out the form for him. He asked if Mr. Hammond owned a home in Arizona which he did. Again, the license was put in his wallet and he didn't realize it was a resident license. He had not had a fishing license for 30 years. His wife bought him the fishing license so he could fish with his grandkids.

Mrs. Hammond addressed the Commission and confirmed that she bought the license as a birthday gift for her husband. She bought it at the Yuma Regional Office and it was a non-resident license. It was at the Walmart where the mistake was made and a resident license was purchased.

The Commission took no action in this case.

The Commission discussed ongoing issues with licenses at the Walmart in Yuma.

Director Voyles stated he will work with Pat Barber to get a handle on this situation.

Chair Martin recommended re-educating that particular store on an annual basis and possibly the Department could do some type of outreach with Department materials and regulations that alert people to know that they may not be getting accurate information unless they are talking to a Department employee.

Public Comment

George Reiners, who works at Spague's Sports in Yuma, stated that he sells licenses daily. He recommended that when someone purchasing a license has only an ID card instead of a driver's license, that should be the indicator to the sales person to ask more questions. Other questions should be whether they pay income taxes in Arizona or whether they vote in Arizona. Updated information and instruction should be sent to all the license dealers.

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Paul D. Cox

Docket # 2010-0086

Cox was found guilty by the North Mesa Justice Court for: Count A: Take Wildlife closed Season (sheep); Count B: Possess Unlawfully Taken Wildlife (sheep); and count C: Take Wildlife Without Valid License; and sentenced Counts A, B, and C: Fined \$4,220.00.

Commissioner Husted asked why there was no charge for the second sheep.

Mr. Elms stated that it could not be proven and the individual would not admit to the second sheep.

**Motion:** Husted moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF PAUL D. COX TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST PAUL D. COX TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY DESERT BIGHORN SHEEP AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Woodhouse commented that he was disturbed by the court letting Mr. Cox off the charge of wasted game meat.

**Vote:** Unanimous

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These hearings concluded at 3:15 p.m.

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